

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DUKE FERGERSON,

Plaintiff,

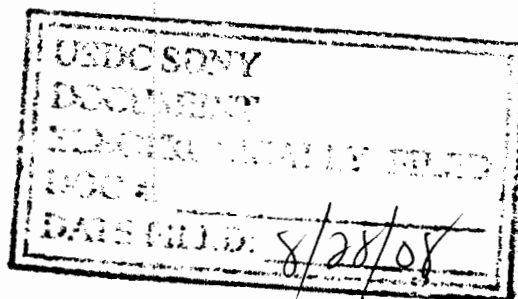
-against-

THE DEPARTMENT OF EDUCATION OF THE CITY
OF NEW YORK, and KAREN WATTS, Individually
and In her official capacity as Principal of Wadleigh
Secondary School,

Defendants.
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PROPOSED
SCHEDULING ORDER

08 Civ. 4701 (BSJ)(GWG)



1. August 27, 2008 Initial Conference

- a. For Plaintiff: Stewart Lee Karlin, Esq.
9 Murray Street, Suite 4W
New York, NY 10007
(212) 732-9450
- b. For Defendant Michael A. Cardozo
Corporation Counsel of the City of New York
By: Basil C. Sitaras
Assistant Corporation Counsel
100 Church Street, Room 2-108
New York, NY 10007
(212) 788-0879

2. Concise statement of issues: whether plaintiff was retaliated against on the basis of his First Amendment rights by defendant New York City Board of Education (hereinafter "BOE") (also known as and being sued herein as the "New York City Department of Education").¹

¹ To date, defendant Karen Watts has not been properly served with a summons and complaint. Plaintiff's counsel has been advised of Ms. Watts' current business address where she may be served.

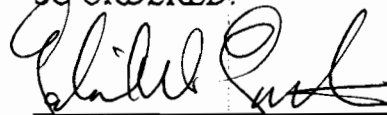
3. Proposed Schedule

- a. Deadline to amend pleadings and/or join other parties:
 - i. September 26, 2008
 - b. Deadline for document requests and initial interrogatories:
 - i. October 13, 2008
 - c. Depositions will occur:
 - i. November 2008 - January 2009
 - d. Deadline for non-expert discovery:
 - i. April 1, 2009
 - e. Deadline for expert disclosure:
 - i. May 1, 2009
 - f. Deadline for expert depositions:
 - i. June 1, 2009
 - g. Deadline for filing of pretrial motions:
 - i. July 1, 2009
 - ii. The parties shall follow the rules of District Judge Barbara S. Jones with respect to any pre-motion conference, filing, or other requirements for dispositive motions.
4. Limitations to be placed on discovery: none contemplated at this time.
5. Discovery disputes: none at this time.
6. Anticipated field of experts: Economic damages
7. Anticipated length of trial: 3-5 days; Jury demand: both parties.
8. Approximate stage of discovery to engage in settlement discussions:
- a. Prior to depositions under the supervision of the Court or a third party, to be determined at a later date
9. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any contention that a party has not responded properly to a discovery request must be brought to the Court's attention immediately and in accordance with the Court's Individual Practices. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the

application. The application must also state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. "Good cause" as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.

Dated: New York, New York
August 27, 2008

SO ORDERED:



GABRIEL W. GORENSTEIN
United States Magistrate Judge